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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10 "91.06"	03 02 2004	Kai Di Feng	BUR920010050US2	280"
3164"	7590	05 04 2005	EXAMINER	
DUGAN & DUGAN, P.C. 55 SOUTH BROADWAY TARRYTOWN, NY 10591			KARLSEN, ERNEST F	
			ART UNIT	PAPER NUMBER

2829

DATE MAILED: 05 04 2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

Applicant(s)

10/791,067

FENG, KAI DI

Office Action Summary

Examiner

Art Unit

Ernest F. Karlsen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 8-28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited, PTO-892 | 4) <input type="checkbox"/> Interview Summary, PTO-413 |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-943 | Paper No. s. Ma. Date _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s), PTO-1449 or PTO-SB 05 | 5) <input type="checkbox"/> Notice of Informal Patent Application, PTO-152 |
| Paper No. s. Ma. Date <u>2/20/5</u> | 6) <input type="checkbox"/> Other _____ |

Applicant has elected Group II (claims 2-8). Applicant has further elected species and subspecies which do not include claim 8 and the Examiner agrees that claim 8 should not be included in the elected claims. Claims 2-7 will be examined because the Examiner considers claims 2-7 to read on the elected species and subspecies.

Claims 1 and 8-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions and/or species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 28 February 2005

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. With regard to claim 2, White et al drive an infrared light source located on a chip with the output from a test circuit. See column 5, lines 33 plus of White et al. The output of the of the infrared light source is applied to the detector 50 which when detecting infrared light is a photodetector. The output of the photodetector 50 is examined by the computer 30. With regard to claim 3, column 6 of White et al indicates that the detector 50 may be placed at variable distances from the infrared light source

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and such is considered to constitute variable attenuation since the intensity of the light will vary with distance.

The following is an examiner's statement of reasons for allowance: No reference was found anticipating or a combination of references found making obvious a method where an optical test signal is applied to a first photodetector, the output of the first photodetector is applied to an electronic device on a wafer, the device on the wafer drives a light source with the output of the light source being applied to a second photodetector and the output of the second photodetector is examined.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tomita and Dukes et al are cited to show additional apparatus wherein a light source on a chip is driven by a signal representing test results.

Any inquiry concerning this communication should be directed to Ernest F. Karlsen at telephone number 571-272-1961.

Ernest F. Karlsen

April 28, 2005


ERNEST KARLSEN
PRIMARY EXAMINER